

Notice of Allowability

Application No.

10/813,325

Examiner

Khoa D. Huynh

Applicant(s)

CUFFARI ET AL.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview conducted on 11/9/05.
2. ☒ The allowed claim(s) is/are 22,24,25,27-36,38 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11142005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>06/06/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Una Lauricia on 11/09/05.

The application has been amended as follows:

In claim 1,

line 7: after "to be moved" insert --, wherein the movable rack includes a frame having a lower portion and an upstanding portion, the lower portion having the ground-engaging movable members being mounted thereon--,

line 18: after "in proximity" insert --, wherein each of the dispensing devices are suspended by a retractable holder, each holder including a spring-biased tether attached to adjacent ends of the respective dispensing device--.

Claims 23 and 26 have been cancelled.

In claim 29,

line 1: delete "at least one",

line 2: delete "includes a wheel receiving arrangement" and substitute --include wheel receiving arrangements--,

line 2: after "adapted to receive" delete "one",

line 3: delete "or more of".

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In claim 31,

line 7: after "the movable rack" insert --, wherein the movable rack includes a frame having a lower portion and an upstanding portion, the lower portion having the ground-engaging movable members being mounted thereon--,

line 11: after "in proximity" insert --, wherein each of the dispensing devices are suspended by a retractable holder, each holder including a spring-biased tether attached to adjacent ends of the respective dispensing device--.

In claim 35,

line 10: after "to the container" insert --, wherein each of the dispensing devices are suspended by a retractable holder, each holder including a spring-biased tether attached to adjacent ends of the respective dispensing device--,

line 18: after "on a" insert --movable--,

line 20: after "on a pallet" insert --, wherein the movable rack includes a frame having a lower portion and an upstanding portion, the lower portion having the ground-engaging movable members being mounted thereon--.

Claim 37 has been cancelled.

In claim 38,

line 8: after "to the container" insert --, wherein each of the dispensing devices are suspended by a retractable holder, each holder including a spring-biased tether attached to adjacent ends of the respective dispensing device--,

line 25: after "on a" delete "rack structure" and substitute --movable rack--,

line 26: after "first holding device" insert --, wherein the movable rack includes a frame having a lower portion and an upstanding portion, the lower portion having the ground-engaging movable members being mounted thereon--.

2. Claims 22, 24, 25, 27-36, 38 and 39 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: none of the cited prior art teaches an arrangement for moving and filling multiple containers having, in conjunction with other limitations, the movable rack includes a frame having a lower portion and an upstanding portion, the lower portion having the ground-engaging movable members being mounted thereon, and the dispensing devices are suspended by a retractable holder, each holder including a spring-biased tether attached to adjacent ends of the respective dispensing device as claimed in the amended claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Khoa D. Huynh', with a horizontal line underneath.

Khoa D. Huynh
Primary Examiner
Art Unit 3751

HK
10/14/2005